

EXHIBIT A

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY**

NATHANIEL MCCOY-WINSTON,

Plaintiff

vs.

UNITED PARCEL SERVICE, INC.

NO.

COMPLAINT FOR WRONGFUL
TERMINATION

COMES NOW Plaintiff Nathaniel McCoy-Winston by and through her attorney Chellie Hammack, and alleges as follows:

I. PARTIES

- 1.1 Plaintiff Nathaniel McCoy-Winston (hereafter referred to as Plaintiff) is a resident of King County, Washington.
- 1.2 Defendant United Parcel Service of America Inc., hereinafter referred to as Defendant UPS is a foreign corporation doing business in King County, Washington at all times relevant hereto.

II. VENUE AND JURISDICTION

- 2.1 Defendant UPS has a location in and does business within King County, Washington. The wrongful acts committed by Defendants in this lawsuit occurred in whole or in part in King County, Washington. Venue and jurisdiction are proper before this Court. The court has jurisdiction over this lawsuit pursuant to RCW 49.60.030, RCW 49.44.090 and RCW 4.12.020.

III. FACTS

- 3.1 As indicated above, Defendant UPS operates a facility located in King County Washington.
- 3.2 Defendant UPS hired Plaintiff to work in its King County facility.
- 3.3 In or January 2017 Plaintiff sustained an injury while at work for Defendant UPS. Plaintiff requested information regarding filing a worker's compensation claim and reported the injury to the appropriate worker's compensation coverage.
- 3.4 On March 17, 2017, after returning to work but still on modified duty, Plaintiff was told he was terminated for allegedly raising a false claim of injury. Plaintiff was injured and did not report a fake injury.
- 3.5 Plaintiff was terminated from his employment because he was injured at work and pursued a worker's compensation claim.

3.6 As a result of Defendants' unlawful conduct in terminating Plaintiff's employment, Plaintiff has suffered damage including without limitation to lost past wages, future wages, humiliation and emotional upset.

IV. CAUSES OF ACTION

CLAIM FOR WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY & VIOLATION OF RCW 51.48.025

4.1 Paragraphs 1.1-3.6 set out above are incorporated herein. Washington has a clear public policy against retaliation and discrimination against employees that seek worker's compensation benefits. Discouraging Plaintiff's conduct in exercising his right to report harmful working conditions would jeopardize the public policy. Plaintiff was terminated in retaliation for seeking worker's compensation benefits. Plaintiff personally sustained damages as a direct result of Defendant's unlawful conduct.

V. DAMAGES

5.1 Defendant's retaliatory conduct and wrongful termination has caused Plaintiff the following damages:

- i. Lost back pay, wages and benefits in amounts to be established at the time of trial;
- ii. Lost front pay, future wages and benefits in amounts to be established at the time of trial;
- iii. Emotional upset, stress, anxiety and humiliation, and pain and suffering in an amount to be established at the time of trial; and

- iv. Out of pocket expenses, litigation costs and attorney fees in amounts to be established at the time of trial.

VI. REQUEST FOR RELIEF

Plaintiff requests that the court enter judgment against Defendant as follows:

- 6.1 Awarding Plaintiff special damages for lost wages—front and back pay, benefits, medical costs and out of pocket expenses in amounts to be established at trial;
- 6.2 Awarding Plaintiff general damages for emotional distress and pain and suffering in an amount to be established at trial;
- 6.3 Awarding Plaintiff future wage loss including damage to reputation and employability in an amount to be established at trial;
- 6.4 Awarding Plaintiff actual and reasonable attorney fees, litigation expenses and costs incurred in this action as provided by statute;
- 6.5 Awarding Plaintiff prejudgment interest on her lost wages award and economic loss;
- 6.7 Awarding Plaintiff any additional or further relief which the court finds equitable, appropriate or just.

DATED this 16th day of March, 2020

/s/Chellie Hammack
Chellie Hammack, WSBA#31796
Attorney for Plaintiff